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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re MARIAH L., a Person Coming Under
the Juvenile Court Law.

B217922
(Los Angeles County
Super. Ct. No. CK68369)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

GLORIA L.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Deborah B. Andrews, Judge. Dismissed by opinion.

Law Office of Valerie N. Lankford and Valerie N. Lankford, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance on behalf of Plaintiff and Respondent.

* * * * *

Appellant Gloria L. (Mother) appeals from the order terminating her parental rights as to the minor Mariah L. Pursuant to *In re Sade C.* (1996) 13 Cal.4th 952, we dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

Mariah, born in August 2006, first came to the attention of the Los Angeles County Department of Children and Family Services (Department) in May 2007 through a referral alleging general neglect, including that Mother was frequently absent, and Mariah appeared underweight, was cold and shivering and had flaking skin. The Department investigated and learned that Mother was incarcerated. Mariah had lived with various caretakers; she was covered with bruises and had not reached several developmental milestones. At that time, Mariah's three older half-siblings were voluntarily placed with their paternal grandmother.

In May 2007, the Department filed a petition pursuant to Welfare and Institutions Code section 300, subdivisions (a), (b) and (g),¹ alleging that Mariah was suffering from a detrimental condition including bruises, burns and cuts; Mother had a history of substance abuse which rendered her incapable of providing regular care; and Mother had failed to make an appropriate plan for Mariah's ongoing care and supervision. The juvenile court detained Mariah and ultimately sustained the section 300 petition as amended. At the September 2007 disposition hearing, the juvenile court removed Mariah from Mother's custody and ordered her suitably placed. Mother received reunification services which required her to participate in a drug rehabilitation program with random testing, parent education and a narcotics anonymous aftercare program, and she was permitted monitored visitation once released from prison.

At the time of the six-month review hearing in February 2008, Mother remained incarcerated but had been participating in several group programs, reflecting a desire to

¹ Unless otherwise indicated, all further statutory references are to the Welfare and Institutions Code.

reunify with Mariah. The juvenile court found Mother in partial compliance with her case plan. Mother was released from prison in July 2008, but was reincarcerated the following month. In November 2008, a social worker new to the case learned that Mother had been released from prison at the end of August 2008 but that a warrant had been issued for her arrest because she had failed to comply with her parole visits and her whereabouts were unknown. According to a declaration of due diligence, the Department was unable to locate her. The juvenile court proceeded with the 12-month review hearing in Mother's absence; it terminated reunification services and set the matter for a permanency planning hearing pursuant to section 366.26.

The Department located Mother in January 2009. At that point Mariah was residing with a prospective adoptive parent and had been making steady progress. A favorable home study was completed in April 2009. By the time of the section 366.26 hearing in July 2009, Mother had been incarcerated again and waived her right to appear at the hearing. She did, however, submit letters to the court in which she inquired about Mariah's well-being and asked to receive photographs of Mariah. At the hearing, the juvenile court terminated Mother's parental rights as to Mariah, as well as the parental rights of several alleged fathers, and transferred the care, custody and control of Mariah to the Department for adoptive planning and placement.

Mother appealed. In a letter filed on September 25, 2009, Mother's appointed counsel advised this court in writing that after reviewing the record and researching potential issues, she was unable to file an opening brief on the merits on Mother's behalf. On September 28, 2009, we notified Mother that she had 30 days within which to submit by letter or brief any arguments or contentions she wished this court to consider. Mother filed a letter on October 30, 2009, in which she acknowledged her failure to comply with prior court orders, but sought a "second chance" and indicated her willingness to participate in court-ordered programs. She also asked for an "open adoption" and requested that Mariah be placed with relatives.

DISCUSSION

“An appealed-from judgment or order is presumed correct. [Citation.] Hence, the appellant must make a challenge. In so doing, [she] must raise claims of reversible error or other defect [citation], and ‘present argument and authority on each point made’ [citations]. If [she] does not, [she] may, in the court’s discretion, be deemed to have abandoned his appeal. [Citation.] In that event, it may order dismissal. [Citation.] Such a result is appropriate here. With no error or other defect claimed against the orders appealed from, [we are] presented with no reason to proceed to the merits of any unraised ‘points’—and, a fortiori, no reason to reverse or even modify the orders in question. [Citation.]” (*In re Sade C.*, *supra*, 13 Cal.4th at p. 994, fn. omitted.)

Having reviewed Mother’s letter, we conclude that she raises no issue cognizable on appeal. Though we commend Mother for intending to participate in parenting and drug programs while incarcerated, her letter does not provide any reasoned argument or authority showing that any of the juvenile court’s procedural or substantive rulings, as to matters properly within the scope of this appeal, constituted reversible error. Pursuant to *In re Sade C.*, *supra*, 13 Cal.4th at page 994, we deem Mother’s appeal as having been implicitly abandoned and we therefore dismiss the appeal.

DISPOSITION

The appeal filed July 31, 2009 is dismissed.

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_____, Acting P. J.
DOI TODD

We concur:

_____, J.
ASHMANN-GERST

_____, J.
CHAVEZ